

Handout 1

Person's Co. v. Christman
900 F.2d 1565 (1990)

TIMELINE

- 1977 Iwasaki first used the "PERSON'S" mark on clothing in Japan
 - 1979 Iwasaki formed Person's Co. to market and distribute clothing items in Japan
 - 1981 Christman visited a Person's Co. retail store in Japan, purchased clothing items bearing the "PERSON'S" mark, and returned to the U.S.
 - 2/1982 Christman contracted with a clothing manufacturer to produce clothing articles with "PERSON'S" mark
 - 4/1982 Christman sold clothing items to sportswear retailers in northwestern U.S.
 - 11/1982 Buyers purchased Person's's products in Japan for resale in the U.S.
 - 4/1983 Christman filed an application for U.S. trademark registration of the "PERSON'S" mark
 - 5/1983 Christman formed Team Concepts to continue merchandising his sportswear line, which had expanded to include additional articles such as shoulder bags
 - 6/1984 Person's Co. filed an application for U.S. trademark registration of the "PERSON'S" mark
 - 9/25/1984 Christman's trademark registration (No. 1,297,698) was issued for use on wearing apparel
 - 1985 Person's Co. engaged an export trading company to introduce "PERSON'S" products into the U.S.
 - 8/13/1985 Person's Co.'s registration for the mark "PERSON'S" (No. 1,354,062) was issued for use on luggage, clothing, and accessories
 - 1985 Person's Co. recorded U.S. sales of near \$4 million
 - early 1986 Person's Co. granted a California distributor a license to manufacture and sell goods under the "PERSON'S" mark in the United States
 - 1986 Person's Co.'s advertising in the U.S. became known to Christman, and both Christman and Person's Co. became aware of confusion in the marketplace
 - 9/1986 Person's Co. initiated an action to cancel Christman's registration on the following grounds: (1) likelihood of confusion; (2) abandonment; and (3) unfair competition within the meaning of the Paris Convention.
- Christman counterclaimed and asserted prior use and likelihood of confusion as grounds for cancellation of the Person's Co.'s registration